

FILED

AUG 05 2015

CLERK, U.S. DISTRICT COURT
DISTRICT OF NEVADA
BY _____ DEPUTY

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,)
Plaintiff,)
v.) 2:15-CR-078-JAD-(NJK)
PHILLIP ALLERSON VAUGHN,)
Defendant.)

PRELIMINARY ORDER OF FORFEITURE

This Court finds that defendant PHILLIP ALLERSON VAUGHN pled guilty to Counts One, Two, and Four of a Four-Count Criminal Indictment charging him in Counts One and Two with Conspiracy to Interfere with Commerce by Robbery (Hobbs Act Robbery Conspiracy) in violation of Title 18, United States Code, Section 1951(a) and in Count Four with Brandishing of a Firearm in a Crime of Violence in violation of Title 18, United States Code, Section 924(c)(1)(A)(ii). Criminal Indictment, ECF No. 1; Change of Plea, ECF No. __; Plea Agreement, ECF No. __.

This Court finds defendant PHILLIP ALLERSON VAUGHN agreed to the forfeiture of the property and the imposition of the in personam criminal forfeiture money judgments set forth in the Plea Agreement, the Bill of Particulars, and the Forfeiture Allegations of the Criminal Indictment. Criminal Indictment, ECF No. 1; Bill of Particulars, ECF No. 57; Change of Plea, ECF No. __; Plea Agreement, ECF No. __.

This Court finds, pursuant to Fed. R. Crim. P. 32.2(b)(1) and (2), the United States of America has shown the requisite nexus between property set forth in the Plea Agreement and the Forfeiture

1 Allegations of the Criminal Indictment and the offenses to which defendant PHILLIP ALLERSON
2 VAUGHN pled guilty.

3 The following assets and judgments are (1) any property, real or personal, which constitutes
4 or is derived from proceeds traceable to violations of Title 18, United States Code, Section 1951, a
5 specified unlawful activity as defined in Title 18, United States Code, Sections 1956(c)(7)(A) and
6 1961(1)(B), or Title 18, United States Code, Section 1951(a), conspiracy to commit such offense; (2)
7 any firearm or ammunition intended to be used in violation of Title 18, United States Code, Sections
8 924(c)(1)(A)(ii) and 1951(a); and (3) any firearm or ammunition involved in or used in any knowing
9 violation of Title 18, United States Code, Sections 924(c)(1)(A)(ii) and 1951(a), and are subject to
10 forfeiture pursuant to Title 18, United States Code, Section 981(a)(1)(C) with Title 28, United States
11 Code, Section 2461(c); Title 18, United States Code, Section 924(d)(1), (2)(C), and (3)(A) with Title
12 28, United States Code, Section 2461(c); Title 18, United States Code, Section 924(d)(1) with Title 28,
13 United States Code, Section 2461(c); and Title 21, United States Code, Section 853(p):

- 14 1. \$214.59 in United States Currency;
15 2. a 9 mm semiautomatic handgun, Intratec model TEC-9, serial number 65201; and
16 3. any and all ammunition

17 (all of which constitutes "property") and

18 and an in personam criminal forfeiture money judgment, including, but not limited to, at least
19 \$6,535.92 in United States Currency and an in personam criminal forfeiture money judgment,
20 including, but not limited to, at least \$700,000 in United States Currency, both to be held jointly and
21 severally liable with any codefendants, and the property will not be applied toward the payment of the
22 money judgments.

23 This Court finds the United States of America is now entitled to, and should, reduce the
24 aforementioned property to the possession of the United States of America.

25 NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the
26 United States of America should seize the aforementioned property.

1 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the United States recover
2 from PHILLIP ALLERSON VAUGHN criminal forfeiture money judgments in the amounts of
3 \$6,535.92 in United States Currency and \$700,000 in United States Currency.

4 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED all right, title, and interest of
5 PHILLIP ALLERSON VAUGHN in the aforementioned property is forfeited and is vested in the
6 United States of America and shall be safely held by the United States of America until further order
7 of the Court.

8 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the United States of America
9 shall publish for at least thirty (30) consecutive days on the official internet government forfeiture
10 website, www.forfeiture.gov, notice of this Order, which shall describe the forfeited property, state the
11 time under the applicable statute when a petition contesting the forfeiture must be filed, and state the
12 name and contact information for the government attorney to be served with the petition, pursuant to
13 Fed. R. Crim. P. 32.2(b)(6) and Title 21, United States Code, Section 853(n)(2).

14 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that any individual or entity
15 who claims an interest in the aforementioned property must file a petition for a hearing to adjudicate
16 the validity of the petitioner's alleged interest in the property, which petition shall be signed by the
17 petitioner under penalty of perjury pursuant to Title 21, United States Code, Section 853(n)(3) and
18 Title 28, United States Code, Section 1746, and shall set forth the nature and extent of the petitioner's
19 right, title, or interest in the forfeited property and any additional facts supporting the petitioner's
20 petition and the relief sought.

21 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a petition, if any, must be filed
22 with the Clerk of the Court, 333 Las Vegas Boulevard South, Las Vegas, Nevada 89101, no later than
23 thirty (30) days after the notice is sent or, if direct notice was not sent, no later than sixty (60) days
24 after the first day of the publication on the official internet government forfeiture site,
25 www.forfeiture.gov.

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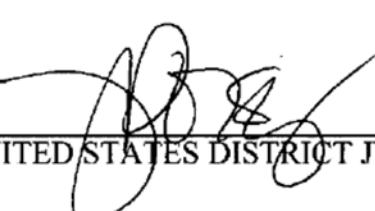
1 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a copy of the petition, if any,
2 shall be served upon the Asset Forfeiture Attorney of the United States Attorney's Office at the
3 following address at the time of filing:

4 Michael A. Humphreys
5 Assistant United States Attorney
6 Daniel D. Hollingsworth
7 Assistant United States Attorney
Lloyd D. George United States Courthouse
333 Las Vegas Boulevard South, Suite 5000
Las Vegas, Nevada 89101.

8 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the notice described herein
9 need not be published in the event a Declaration of Forfeiture is issued by the appropriate agency
10 following publication of notice of seizure and intent to administratively forfeit the above-described
11 property.

12 The Clerk is hereby directed to send copies of this Order to all counsel of record and three
13 certified copies to the United States Attorney's Office.

14 DATED this 5th day of August, 2015.
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17 UNITED STATES DISTRICT JUDGE
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